

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARDO CASILLO ZAMORA, JOSE EDWIN
MENDEZ, and JAVIER DIAZ PLAZA, on behalf of
themselves and all others similarly situated,

Plaintiffs,

-v-

JGL RESTAURANT CORP. d/b/a ITALIAN VILLAGE
PIZZA and JOSE LEON,

Defendants.

CIVIL ACTION NO. 22 Civ. 5739 (ALC) (SLC)

ORDER & ORDER TO SHOW CAUSE

SARAH L. CAVE, United States Magistrate Judge.

On January 29, 2024, the parties filed a joint letter requesting a settlement conference with the undersigned. (ECF No. 25). On January 30, 2024, the Court held a telephone conference, during which the parties agreed to participate in a virtual settlement conference on March 11, 2024 (the “Settlement Conference”). (ECF min. entry Jan. 30, 2024). That same day, the Court issued an Order scheduling the Settlement Conference for March 11, 2024 and, inter alia, requiring the parties to each email to Chambers—with copy to each other—a pre-mediation statement by March 4, 2024. (ECF No. 27 ¶ 5 (the “Order”)). On March 5, 2024, having received only Plaintiffs’ pre-mediation statement but not Defendants’, the Court emailed Defendants’ counsel and sua sponte extended to March 5, 2024 at 5:00 p.m. their deadline to provide a pre-mediation statement.

As of today, March 6, 2024, the Court has not received Defendants’ submission and Defendants have not requested an extension of their extended deadline to do so or otherwise communicated with the Court. Thus, Defendants have failed to comply with the Order.

Accordingly, the Settlement Conference is CANCELLED. Defendants are hereby ORDERED to show cause explaining (i) their noncompliance with the Order, and (ii) why they should not be ordered to pay Plaintiffs' reasonable costs and attorneys' fees incurred in connection with preparing for the Settlement Conference. Such showing shall be made by affidavit or declaration filed on or before **March 13, 2024**. Defendants are warned that failure to comply with this Order may in itself result in sanctions.

The Clerk of Court is respectfully directed to terminate the Settlement Conference.

Dated: New York, New York
March 6, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge